

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Court File No. 08-MDL-1958 (ADM/RLE)

In re Zurn Pex Products Liability Litigation

PRETRIAL ORDER NO. 1

This Order Relates to All Actions

The Judicial Panel on Multidistrict Litigation has transferred certain products liability actions relating to Zurn Pex plumbing systems to this Court for coordinated pretrial proceedings. The Court has received a joint application for the designation of counsel to act on behalf of the Plaintiffs in this litigation.

The Court has carefully reviewed the proposed designations and the information supplied in support thereof and hereby makes the following designations:

A. Plaintiffs' Lead Counsel

The Court designates the following Lead Counsel to act on behalf of Plaintiffs:

Shawn M. Raiter
Larson • King, LLP
2800 Wells Fargo Place
30 E 7th Street
St. Paul, MN 55101
Phone: (651) 312-6500
Fax: (651) 789-4818
Email: sraiter@larsonking.com

Plaintiffs' Lead Counsel will be responsible for coordinating the activities of Plaintiffs during pretrial proceedings and will:

1. Determine and present to the Court and opposing parties the position of the Plaintiffs on all matters arising during pretrial proceedings;
2. Initiate and coordinate discovery on behalf of Plaintiffs consistent with the requirements of the Federal Rules of Civil Procedure relating to discovery or any other subsequent order of this Court;

3. Conduct settlement negotiations on behalf of Plaintiffs, but not enter binding agreements except to the extent expressly authorized;
4. Delegate specific tasks to other counsel in a manner to ensure that pretrial preparation for Plaintiffs is conducted effectively, efficiently, and economically;
5. Stipulate with opposing counsel on issues relating to the litigation;
6. Prepare and distribute periodic status reports to the parties;
7. Maintain adequate time and disbursement records covering services of designated counsel and establish guidelines for approval by the Court as to the keeping of time records and expenses;
8. Monitor the activities of Plaintiffs' designated counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided;
9. Perform such other duties as may be incidental to proper coordination of Plaintiffs' pretrial activities or authorized by further Order of the Court; and
10. Submit, if appropriate, additional counsel for designation by the Court.

Counsel for Plaintiffs who disagree with Plaintiffs' Lead Counsel or who have individual or divergent positions may present written and oral arguments, and otherwise act separately on behalf of their client(s) as appropriate, provided that in doing so they do not repeat arguments, questions, or actions of the Plaintiffs' Lead Counsel.

B. Plaintiffs' Steering Committee

To act on behalf of Plaintiffs, the Court hereby designates the following attorneys as the Plaintiffs' Steering Committee:

Co-Chair:
Charles J. LaDuca
Cuneo Gilbert & LaDuca, LLP
507 C Street NE
Washington, DC 20002

Co-Chair:
Gary E. Mason
The Mason Law Firm, LLP
1225 19th Street NW, Suite 500
Washington, DC 20036

Co-Chair:
Robert K. Shelquist
Lockridge Grindal Nauen PLLP
100 Washington Avenue South #2200
Minneapolis, MN 55401

Timothy Battin
Straus & Boies, LLP
4041 University Avenue
Fairfax, VA 22030

David L. Black
Holland & Hart, LLP
555 17th Street, Suite 3200
Denver, CO 80201-8749

Daniel K. Bryson
Lewis & Roberts
1305 Navaho Drive, Suite 400
Raleigh, NC 27609

Michael McShane
Audet & Partners, LLP
221 Main Street, Suite 1460
San Francisco, CA 94105-1906

Joel R. Rhine
Lea, Rhine, Rosbrugh & Chleborowicz, PLLC
314 Walnut Street
Wilmington, NC 28401

J. Gordon Rudd, Jr.
Zimmerman Reed, PLLP
651 Nicollet Mall, Suite 501
Minneapolis, MN 55402

Plaintiffs' Steering Committee shall consult with Plaintiffs' Lead Counsel in coordinating the Plaintiffs' pretrial activities and in planning for trial.

C. Plaintiffs' Liaison Counsel

The Court designates the following counsel as Plaintiffs' Liaison Counsel:

J. Gordon Rudd, Jr.
Zimmerman Reed
651 Nicollet Mall, Suite 501
Minneapolis, MN 55402-4123
Phone: (612) 341-0400
Fax: (612) 341-0844
Email: jgr@zimmreed.com

Plaintiffs' Liaison Counsel will be responsible for the following activities:

1. Maintain and distribute to Plaintiffs' designated counsel and to Defendants' Lead Counsel an up-to-date service list;
2. Receive and distribute to Plaintiffs' designated counsel Orders from the Court and documents from opposing parties and counsel;
3. Maintain and make available to other Plaintiffs' counsel or Plaintiffs, at reasonable hours, a complete file of all documents served by or upon each party; and
4. Establish and maintain an electronically accessible document depository.

C. Designation of Defendants' Lead Counsel

To act on behalf of Defendants, the Court designates the following Lead Counsel:

James A. O'Neal
Faegre & Benson, LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
Phone: (612) 766-7000
Fax: (612) 766-1600
Email: joneal@faegre.com

IT IS SO ORDERED.

Dated: November 5, 2008

s/Ann D. Montgomery

Ann D. Montgomery
United States District Court Judge